



State of Washington
Department of
Labor and Industries

PROVIDER BULLETIN

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THIS ISSUE

Authorizing Vocational Retraining Policies 6.51, 6.52 and 6.53

TO:

Vocational Rehabilitation
Counseling Firms (Please make
copies for each of your
counselors.)
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PURPOSE

This *Provider Bulletin* describes the new policies that apply to vocational rehabilitation retraining plans under State Fund claims (including claims against bankrupt self-insured employers) for all locations. These policies become effective for dates of service on or after October 15, 1998. These policies supersede Interim Policy 6.51, date 12-1-96, and the policy on page A-9 of the 1994 Vocational Services Handbook (VSH).

BACKGROUND

The department has revised the policy on vocational retraining. We divided the information into three different policies, each addressing a major component of most vocational retraining plans: time, costs, and room and board.

We describe below the policy changes that impact how the vocational rehabilitation counselor (VRC) develops a vocational retraining plan. Throughout this *Provider Bulletin* we will provide a "VSH Note" to identify where this new information adds to, or supersedes, the information in the VSH.

We revised the current encumbrance forms and created additional forms. These forms are described under "Changes to Forms" at the end of this *Provider Bulletin*.

ASSISTANCE FROM DEPARTMENT STAFF

The department has changed how its unit vocational services consultants (VSCs) and claim managers (CMs) interact with VRCs in plan development and modification.

Plan Development

The unit VSC will continue to assist the VRC with pre-plan staffing of a job goal. The VRC then submits the plan to the CM. After receiving the vocational plan, the CM will either approve or deny it, and send a notice of the decision. If denying the plan, the CM may make a referral to a different firm for plan re-development.

Plan Modification

Once a plan has been approved, the VRC must work with the CM when proposing a change to the job goal, training site, time, or money involved

in the plan. See “Requirements for the Second 52 Weeks” below for significant questions to answer in the modification proposal even if the modification does not involve the second 52 weeks.

POLICY 6.51 “AUTHORIZING VOCATIONAL RETRAINING”

The new policy on authorizing vocational rehabilitation plans has two significant changes that affect the way time is allocated in a vocational plan. The first change relates to obtaining approval for the second 52 weeks when it is known at the beginning of a plan that the plan will require at least part of the time and money of the second 52 weeks. The other significant change is in the new limitations for approving interruptions. Both of these changes are described below.

Second 52 Weeks

Vocational retraining plans should be for a goal that can be reached within the first 52 weeks of retraining. However, there are rare circumstances when the VRC and CM know at the beginning of a vocational plan that the worker will need more than 52 weeks of retraining.

Obtaining Approval for the Second 52 Weeks

If the VRC cannot write a plan that makes a worker employable within the first 52 weeks, the VRC must include a request for time and money for both the first and second 52 weeks. In these situations, the CM must obtain approval from the assistant director (AD) for Insurance Services for the time and cost of **BOTH** the first and second 52 weeks **before authorizing any of the retraining plan.**

Even though the department can **APPROVE** the second 52 weeks before the first 52 weeks are used, the department **CANNOT USE** the time and money from the second 52 weeks until the time from the first 52 weeks is used. Also, the department cannot spend un-used funds from the first 52 weeks during the second 52 weeks.

The retraining plan cannot start until the entire plan is approved by the AD. When submitting a vocational plan that involves the second 52 weeks, please allow extra time for this approval process.

Requirements for the Second 52 Weeks

When the worker has not become employable during the training provided in the first 52 weeks, the VRC must include a response to the following applicable questions when requesting authorization for training into the second 52 weeks. (*NOTE: These questions are also very useful when the initial plan needs major modifications, even if the modifications do not involve the second 52 weeks.*)

1. What happened in the first training plan that led to it not being completed, or to the failure of the plan? Why didn't it work out? What were the specific problems?
2. What skills does the worker have to date? Is the worker employable at any job with these skills? What jobs? How so? If not, why not?
3. Have the past training problems noted above been resolved or are they being resolved? How so?
4. Why is it likely that this request for a modification or additional training will result in the worker becoming employable? How will this be accomplished?

VSH NOTE: *The above two sections on the second 52 weeks are in addition to the information found in “Second 52-Week Plans” (pages III-13 and 14).*

INTERRUPTIONS

Planned Interruptions

The VRC should note any planned interruptions that will be needed during retraining and indicate in the plan the specific start and end date of the interruption.

During an approved interruption, the department **does not** pay retraining costs (those costs listed on the Training Plan Cost Encumbrance form), but may continue to pay room and board. VRC professional fees can be paid during a planned interruption. When approving a planned interruption, the CM will determine whether or not time-loss compensation and medical benefits are payable, and will note this on the Return to Work Plan Time Encumbrance form.

The department has significantly limited the situations in which an interruption may be approved. The department may approve an interruption of vocational retraining provided documented evidence shows that the interruption is for one of the two following reasons:

- **Medical Necessity** - The VRC must contact the attending doctor or a treating doctor to obtain:
 - Objective findings that the worker's medical condition prevents the worker from completing the approved retraining plan; and
 - An approximate restart date.
- **Summer Breaks** - The department will continue to consider interruptions for summer breaks, but will no longer routinely approve interruptions for winter and spring breaks.

Interruptions for Extraordinary Circumstances

If an extraordinary circumstance arises that would jeopardize the successful completion of the retraining plan, the VRC should advise the worker that an interruption may affect the retraining plan and the worker's time-loss compensation and medical benefits. The VRC then submits the request for an interruption to the CM. The CM must now obtain management approval on interruptions for extraordinary circumstances, so please allow additional time when submitting these requests.

VSH NOTE: The above two sections on interruptions are in addition to the information in "Interrupting an Approved Plan" (page III-17).

POLICY 6.52 "AUTHORIZING VOCATIONAL RETRAINING EXPENSES"

Itemizing Retraining Costs

The department's responsibility for retraining costs **cannot** exceed \$3,000 in any 52-week period (see RCW 51.32.095). (*Reminder: Room and board costs are **not** part of retraining costs.*) The VRC must itemize these retraining costs in the cost section of the rationale for the retraining plan, allocating them in the priority order given below:

- Tuition and fees (includes parking fees, lab fees, on-the-job training fees, etc.)
- Books
- Supplies

- Tools
- Equipment
- Child or dependent care
- Transportation
- Other necessary expenses (This **does not** include room and board.)

The VRC should consider additional sources of funding, if needed. For example: A worker wants to enter a retraining plan with a tuition fee of \$4,000. If the department pays \$2,800 of the tuition and \$200 for books (thereby expending the full \$3,000), the VRC should consider arranging for the additional tuition (\$1,200) from a source outside the department (e.g., Division of Vocational Rehabilitation (DVR) at the Department of Social and Health Services, PELL grants, or loans).

If the plan involves funding from a source outside the department, the VRC must include in the plan a statement indicating who is responsible for all costs above the \$3,000 approved by the department. When the worker secures an outside funding source, the VRC must include a copy of the document, signed by the funding source, that specifies the services or funding to be provided. (It is **not** sufficient to simply include a short statement indicating the outside funding source will pay for training costs over the statutory limits.)

VSH NOTE: The above information is in addition to the information in “Time and Cost Information” (page III-11, fourth bullet).

During an approved interruption, the department **does not** pay retraining costs (listed on the Training Plan Cost Encumbrance form), but may continue to pay for room and board. VRC professional fees can be paid during a planned interruption. When approving a planned interruption, the CM will determine whether or not time-loss compensation benefits are payable, and will note this on the Return to Work Plan Time Encumbrance form.

Reimbursement of Retraining Costs

Sometimes a worker pays for books and other supplies and will request reimbursement from the department. In other situations, the provider (bookstore, hardware store, etc.) does not require the worker to pay for the books and supplies, but instead bills the department for the costs.

In either situation, the party requesting reimbursement must submit:

- A pink Statement for Retraining and Job Modification Services form (F245-030-000).
- Itemized receipts.
- A copy of the approved Training Plan Cost Encumbrance form.

The VRC must ensure that the worker and providers have the necessary forms. To order a supply of forms:

- Contact the nearest L&I service location, or
- Call the Provider Hotline (1-800-848-0811), or

Write to: Warehouse

Department of Labor and Industries
PO Box 44843
Olympia WA 98504-4843

VSH NOTE: The above information on itemized receipts is in addition to the information in “Responsibilities of Primary Participants” (page III-11).

Transportation Expenses

The department may pay all or part of transportation expenses when:

- Other retraining cost priorities have been allocated (see “Itemizing Retraining Costs”, above), and
- Transportation costs are within the \$3,000 limit, and
- The worker must travel more than 10 miles (one-way by the most direct route) to the training site.

The VRC must work with the unit VSC to ensure that transportation costs (up to the Washington State employee mileage reimbursement rate) will stay within the \$3,000 limit and will provide travel funding throughout the plan.

In lieu of the worker using his or her own transportation, the department may reimburse the cost of a bus pass, regardless of the mileage, provided it is within the \$3,000 limit.

POLICY 6.53 “AUTHORIZING ROOM AND BOARD FOR VOCATIONAL RETRAINING”

Authorizing Room and Board

The department will pay reasonable costs of room and board if a worker must temporarily reside more than a reasonable commuting distance away from his or her customary residence to attend vocational retraining.

When deciding whether to authorize room and board, the CM will consider:

- Whether the job is available, but retraining is not available, in the local labor market.
- The time of day (early morning, late evening) the classes are scheduled.
- Whether the worker is physically able to handle a reasonable commute.
- Whether the worker is retaining his or her customary residence.

The VRC must put in the plan a statement indicating whether or not the worker is planning to rent out his or her customary residence.

VSH NOTE: The above information is in addition to the information in “Responsibilities of Primary Participants” (page III-11).

If the worker **is** planning to rent out his or her customary residence while in retraining, the department may pay the difference between the rental income and the amount of room and board costs that the worker is entitled to according to the Washington State employee lodging and per diem reimbursement rate. (See “State Lodging and Per Diem Rate”, below.) The CM may require proof that the worker is retaining his or her customary residence (i.e., rental or mortgage receipts, utility receipts, or canceled checks).

Refundable Cleaning and Utility Start-Up Fees

The VRC must now include in the worker’s responsibility section of the plan a statement that the worker must return to the department, or account for, all refundable cleaning fees and utility start-up fees when he or she no longer needs the temporary housing. The revised Board and Room Cost Encumbrance form includes a statement notifying the worker and vendors (e.g., housing provider, utility companies) to return these refundable fees to the department.

VSH NOTE: The above information is in addition to the paragraph on room and board in “Time and Cost Information” (page III-11).

Upon completion of the plan, the VRC obtains from the worker a written, signed statement accounting for the refundable fees. The VRC must include this statement in the closing report.

VSH NOTE: The above information is in addition to the information in “Writing the Closing Report” (page III-19).

State Lodging and Per Diem Rate

The department determines reasonable room and board rates for the worker based on the current Washington State employee lodging and per diem reimbursement rate for the county in which the training site is located. For out-of-state retraining, the department pays room and board based on the out-of-state lodging and per diem rate.

The “room” amount covers housing and furniture rental. The “board” amount covers food and basic housing utilities, but **not** telephone or cable TV.

The VRC must now include in the worker’s responsibility section of the plan a statement that the worker must submit **itemized bills and receipts** in order to be reimbursed. The VRC must also indicate that the worker may only request reimbursement for food expenses every 15 or more days, and once a month for rent and utilities.

For retraining of **up to 45** calendar days, the department may pay actual expenses up to the full per diem rate for the county in which the training site is located. For retraining of **46 or more** calendar days, the department may pay actual expenses based on a monthly amount of up to one-third the full per diem rate for the county in which the training site is located.

VSH NOTE: The above information on rates supersedes the NOTE at the end of the “Time and Cost Information” (page III-11).

Exceptions to the Per Diem Rate

The VRC may request an exception to the per diem reimbursement rate when:

- It is more cost effective for a worker to stay in a motel rather than rent a home or apartment.
- Suitable accommodations are not reasonably available within the per diem rate.

Relocation Costs in Lieu of Room and Board

The VRC may request actual relocation costs in lieu of room and board **once per claim**, if **all** of the following apply:

- The retraining plan **does not** include a request for room and board, **and**
- Training is **not** locally available, **and**
- The worker is **permanently** relocating, **and**
- The retraining site and labor market are within a reasonable commuting distance from the worker's new residence, **and**
- The worker is willing to relocate **within** his or her current state of residence (or back to Washington State if currently residing out of state) to an area where both retraining and a job market are reasonably available. (*NOTE: The department will **not** move a worker **from** Washington to another state for retraining.*)

The department may pay actual relocation costs **up to \$2,000**. The payment may be made to the worker if the worker provides a receipt **or** to a vendor if the vendor has a provider number. Relocation costs do not include cleaning fees, utility start-up fees or first and last month's rent.

The department will pay **only** for the items covered in the Office of Financial Management Policies 4.2.4.2.2 and 4.2.4.2.3. (See Appendix.) **NOTE:** *These policies address State employee relocation, but we are using them as a guideline for paying relocation costs for injured workers.*

If after relocating, a worker needs to **temporarily** attend short-term training away from his or her new customary residence, the adjudicator may authorize room and board.

BILLING CODE

We now have a separate billing code (Ø375R) for relocating expenses.

CHANGES TO FORMS

We revised the forms used in vocational plan development. For each of the previous forms, we now have two different forms—one for the first 52 weeks, and one for the second 52 weeks. We have included a copy of each of the new forms with the mailing of this Provider Bulletin.

OLD FORM & NUMBER		NEW FORM & NUMBER	
Return to Work Plan Time Encumbrance	F245-348-000 5-93	1 st 52 Week Period Return to Work Plan Time Encumbrance	F245-353-000 8-98
		2 nd 52 Week Period Return to Work Plan Time Encumbrance	F245-356-000 8-98
Training Plan Cost Encumbrance	F245-347-000 12-96	1 st 52 Week Period Training Plan Cost Encumbrance	F245-354-000 8-98
		2 nd 52 Week Period Training Plan Cost Encumbrance	F245-357-000 8-98
Board & Lodging Cost Encumbrance	F245-352-000 12-96	1 st 52 Week Period Board & Room Cost Encumbrance	F245-355-000 8-98
		2 nd 52 Week Period Board & Room Cost Encumbrance	F245-358-000 8-98

To order a supply of these forms:

- Contact the nearest L&I service location, or
- Call the Provider Hotline (1-800-848-0811), or
- Write to: Warehouse
Department of Labor and Industries
PO Box 44843
Olympia WA 98504-4843

APPENDIX – ALLOWABLE RELOCATION COSTS

ALLOWABLE MOVING COSTS

Allowable moving costs include the costs of moving household goods as defined below.

Household goods include all personal effects and property used in a dwelling, and normal equipment and supplies used to maintain the dwelling. The following items, however, are to be specifically **excluded** from allowable moving costs:

- (1) Movement of animals and articles of sentimental or high intrinsic value. The worker is to personally arrange for and pay the cost of transportation of items such as jewelry, firearms, negotiables (e.g. stocks, bonds), and collectors items.
- (2) Excessive hobby material and equipment, farming equipment, automobiles, motorcycles, boats, airplanes, camping vehicles, and mobile homes which are not the primary residence of the worker, explosives and other dangerous goods, property liable to damage the mover's equipment or other property, perishable foodstuffs subject to spoilage, building materials, fuel or other similar non-household articles.
- (3) Wrecker services necessary to place a mobile home in position for over-the-road movement; tire failure, temporary carriage or the installation of a removable undercarriage; movement or replacement of outside fuel tanks; and any costs incurred to bring the mobile home up to safety requirements for over-the-road movement.
- (4) Penalties imposed by a carrier, rental agency, or mover as a result of negligence by the worker.
- (5) Maid service or other third party convenience or services of a similar nature.

ALLOWABLE PER DIEM AND MILEAGE EXPENSES

Per diem and personal transportation expenses may be paid in accordance with the following procedures:

- (1) A relocation allowance for a temporary period while the worker is moving and looking for a new home. The allowance cannot exceed the Maximum Per Diem Rate.
- (2) Expenses related to driving or transporting up to two personal motor vehicles from the worker's old residence to the new residence. Maximum reimbursement shall be for the distance the motor vehicles were moved or driven using the Washington State employee privately owned vehicle mileage reimbursement rate.

Adapted from the State of Washington Policies, Regulations, and Procedures issued by the Office of Financial Management, Sections 4.2.4.2.2 and 4.2.4.2.3.

Chapter 2: Travel and Transportation Regulations (4.2)**Section 7: Travel Regulations (4.2.7)****Subsection 2: Lodging, Subsistence, and Mileage Rates (4.2.7.2)****2. Schedule A. (4.2.7.2.2)****SCHEDULE A**

**Lodging, Subsistence, and Private Vehicle Mileage Reimbursement Rates
For the Continental USA
(48 Contiguous States and District of Columbia)**

LODGING RATES 1/**NON HIGH COST
LOCATIONS**\$50/night 2/**HIGH COST
LOCATIONS**3/NON HIGH COST EXCEPTION TO MAXIMUM LODGING \$120.00 PER DAY 2/**SUBSISTENCE RATES 1/**

<u>MEALS</u>	NON HIGH COST <u>AREAS 4/5/</u>	-----HIGH COST AREAS-----		
		<u>4/</u>	<u>4/</u>	<u>4/</u>
BREAKFAST	\$7.00	\$8.00	\$9.00	\$10.00
LUNCH	9.00	10.00	11.00	13.00
DINNER	<u>14.00</u>	<u>16.00</u>	<u>18.00</u>	<u>19.00</u>
TOTALS	<u>\$30.00</u>	<u>\$34.00</u>	<u>\$38.00</u>	<u>\$42.00</u>

NON HIGH COST PER DIEM RATE 6/ \$80.00 PER DAY (or \$3.33 PER HOUR)PRIVATELY OWNED VEHICLE MILEAGE REIMBURSEMENT RATE 7/ \$.31 5/MILEPRIVATE AIRCRAFT MILEAGE REIMBURSEMENT RATE 8/ \$.85/STATUTE MILEPRIVATE MOTORCYCLE MILEAGE REIMBURSEMENT RATE 9/ \$.25/MILE

Effective Date: July 1, 1997

State of Washington Policies, Regulations, and Procedures
Issued by: Office of Financial Management

PART4: GENERAL ADMINISTRATION**Chapter2: Travel and Transportation Regulations (4.2)****Section 7: Travel Regulations (4.2.7)****Subsection 2: Lodging, Subsistence, and Mileage Rates (4.2.7.2)****2. Schedule A. (4.2.7.2.2) - continued****SCHEDULE A FOOTNOTES**

- 1/ The source document for these rates is the U.S. General Services Administration's Federal Travel Regulations, contained in Appendix A of Chapter 301, Subtitle F, Title 41, of the Code of Federal Regulations dated December 3, 1996.
- 2/ **This is the maximum allowable lodging rate for all in-state and out-of-state non-high cost locations in the continental USA.**
- 3/ Refer to SCHEDULE B for the specific maximum lodging rates for individual high cost locations in the continental USA.
- 4/ Refer to SCHEDULE B for the specific high cost locations of the continental USA to determine which subsistence rate (\$30, \$34, \$38, or \$42/day) is applicable.
- 5/ ALL OTHER AREAS: Includes all non-high cost areas in the continental USA where the daily set subsistence rate is \$30.
- 6/ NON HIGH COST PER DIEM RATE: The daily total is arrived at by adding the non-high cost location lodging rate to the non-high cost areas subsistence rate ($\$50 + \$30 = \$80$). The hourly rate is then arrived at by dividing the daily total by 24 hours ($\$80/24 = \3.33). **Both the daily and hourly rates are used for certain types of boards and commissions (refer to Subsection 4.2.3.1), and the hourly rate is used when a state traveler is authorized to use a privately-owned travel trailer or camper (refer to Subsection 4.2.2.2.c).**
- 7/ POV MILEAGE REIMBURSEMENT RATE: IRS Revenue Procedure 96-63 is the source document for this rate.
- 8/ PRIVATE AIRCRAFT MILEAGE REIMBURSEMENT RATE: The source document for this rate is the Federal Register Doc. 96-12785 filed on May 22, 1996.
- 9/ PRIVATE MOTORCYCLE MILEAGE REIMBURSEMENT RATE: The source document for this rate is the Federal Register Doc. 96-12785 filed on May 22, 1996.

PART 4: GENERAL ADMINISTRATION

Chapter 2: Travel and Transportation Regulations (4.2)

Section 7: Travel Regulations (4.2.7)

Subsection 2: Lodging, Subsistence, and Mileage Rates (4.2.7.2)

3. Schedule B (4.2.7.2.3) - continued

SCHEDULE B HIGH COST LOCATIONS - CONTINENTAL USA 1/

Per Diem Localities By State Exception		Maximum		Set		Maximum
	County and/or other	Lodging Amount		Subsistence Rate		To
Maximum						
<u>Key City 2/</u>	<u>defined location 3/ 4/</u>	<u>(a)</u>	+	<u>(b)</u>	=	<u>(c)</u>
						<u>Lodging 5/</u>
WASHINGTON						
Anacortes/Mt. Vernon/Whidbey Island	Skagit and Island	54		34		132
Bellingham	Whatcom	54		34		132
Bremerton	Kitsap	66		30		144
Friday Harbor	San Juan					
(June 1—October 31)		129		38		251
(November 1—May 31)		74		38		168
Lynnwood/Everett	Snohomish	77		34		167
Ocean Shores	Grays Harbor					
(April 1—September 30)		73		34		161
(October 1—March 31)		50		34		126
Port Angeles	Clallam					
(May 15—September 30)		71		34		158
(October 1—May 14)		50		34		126
Port Townsend	Jefferson					
(April 15—October 31)		63		30		140
(November 1-April 14)		53		30		125
Seattle	King	116		38		231
Spokane	Spokane	74		38		168
Tacoma	Pierce	83		30		170
Tumwater/Olympia/Lacey	Thurston	64		30		141
Vancouver	Clark	62		34		144

Effective Date: January 1, 1998

**State of Washington Policies, Regulations, and Procedures
Issued by: Office of Financial Management**

PART 4: GENERAL ADMINISTRATION

Chapter 2: Travel and Transportation Regulations (4.2)

Section 7: Travel Regulations (4.2.7)

Subsection 2: Lodging, Subsistence, and Mileage Rates (4.2.7.2)

3. Schedule B (4.2.7.2.3) - continued

SCHEDULE B HIGH COST LOCATIONS - CONTINENTAL USA ^{1/}

Per Diem Localities By State Exception		Maximum	Set	Maximum			
Maximum	County and/or other	Lodging Amount	Subsistence Rate	Per Diem Rate	To		
<u>Key City 2/</u>	<u>defined location 3/ 4/</u>	(a)	+	(b)	=	(c)	<u>Lodging 5/</u>

FOOTNOTES

- ^{1/} Continental USA is defined as the 48 contiguous states and the District of Columbia.
- ^{2/} Unless otherwise specified, the per diem locality is defined as “all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries.”
- ^{3/} Per diem localities with county definitions shall include “all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties.”
- ^{4/} Military installations or government-related facilities (whether or not specifically named) that are located partially within the city or county boundary shall include “all locations that are geographically part of the military installation or government-related facility, even though part(s) of such activities may be located outside the defined per diem locality.”
- ^{5/} Refer also to Subsection 4.2.2.2.4, Exception to the Maximum Allowable Lodging Amounts, for an explanation of the conditions when an employee may be reimbursed above the maximum lodging amount

POLICY 6.51

Section: Vocational Rehabilitation Management

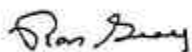
Effective: 10-15-98

Title: Authorizing Vocational Retraining

**Cancels: Interim Policy 6.51
dated 12-1-96**

**See Also: RCW 51.32.095 (vocational rehabilitation services)
Policy 6.52 (vocational retraining expenses)
Policy 6.53 (room and board)**

Approved by:



Ron Gray for the Insurance Services Policy Council

This policy applies to authorized vocational rehabilitation retraining plans under a State Fund claim or a claim against a bankrupt self-insured employer.

- 1. If the adjudicator knows at the beginning of a plan that it will involve the second 52 weeks, he or she must obtain full authorization at the beginning of the plan.**

The majority of vocational retraining plans should be for a goal that can be reached within the first 52 weeks of training. However, there are rare circumstances when the adjudicator knows at the beginning of a vocational plan that the worker will need more than 52 weeks of retraining. In these situations, the adjudicator must obtain approval from the assistant director for Insurance Services (AD) for the time and cost of the second 52 weeks before authorizing of the retraining plan.

FIRST 52 WEEKS

- 2. Adjudicator may approve up to 52 weeks of retraining per claim.**

The adjudicator may approve up to 52 weeks of retraining time for an injured worker. The 52-week period is defined-as any 52 weeks of consecutive time spent in a retraining plan, but does not include approved interruptions. (See Sections 4 and 5 below regarding interruptions.)

3. Adjudicator allocates retraining time to all applicable claims.

If there are two or more open claims for one worker, the adjudicator allocates the full retraining time concurrently to **each open claim** that meets the following criteria:

- The department is paying time-loss compensation under the claim.
- The accepted conditions under the claim prevent the worker from returning to work without retraining.

4. Adjudicator may approve only certain interruptions during the FIRST 52 weeks.

The adjudicator may approve an interruption of vocational retraining during the **first 52 weeks**, provided documented evidence shows the interruption was for one of the following reasons:

- Medical necessity (The attending doctor or a treating doctor must submit objective findings that the worker's medical condition prevents the worker from completing the approved retraining plan.)
- Summer breaks (The adjudicator must disapprove requests for interruptions for winter and spring breaks.)

5. The program manager may approve an interruption for EXTRAORDINARY CIRCUMSTANCES during the FIRST 52 weeks.

In the **first 52 weeks** of a vocational rehabilitation retraining plan, the program manager for Claims Administration or Self-Insurance may approve a vocational retraining **interruption for extraordinary circumstances**. (See Attachment 6.51-A.) These circumstances must be such that would jeopardize the successful completion of the retraining plan and be outside the control of at least one of the following:

- Worker
- Department
- Training facility

6. Adjudicator may approve extensions within the first 52 weeks.

If the adjudicator determines that a retraining **extension** is necessary and the extended retraining plan will still be within the **first 52 weeks**, the adjudicator may approve the extension.

SECOND 52 WEEKS

7. AD for Insurance Services may approve a retraining plan beyond 52 weeks.

The AD for Insurance Services has sole discretion to extend a retraining plan for up to an additional 52 weeks beyond the initial 52 weeks. (See RCW 51.32.095.)

The first 52 weeks of training time must be used before the department may use the **time or money** designated for the second 52 weeks of training.

8. Retraining plans that extend beyond the first 52 weeks must meet certain criteria.

The adjudicator may recommend an extension of the retraining plan if there is documentation that the worker needs retraining beyond the first 52 weeks in order to obtain the skills necessary to become employable at gainful employment. (See RCW 51.32.095.)

9. A recommendation for a retraining plan beyond 52 weeks goes through a vocational approval process.

A recommendation for a retraining plan beyond 52 weeks goes from the adjudicator to their supervisor, then to either the operations manager or the field program manager (if in the adjudicator's chain of command), then to the program manager for Claims Administration or Self-Insurance, and finally to the AD for Insurance Services. (See Attach. 6.51-B Recommendation Form, Attach. 6.51-D Sample Order, and WCA Manual, Appendix E, BH letter, for a sample of the letter approving the vocational rehabilitation retraining plan.)

10. Only the AD may approve any change in the SECOND 52 weeks of a plan.

In the **second 52 weeks** of a vocational retraining plan, only the AD for Insurance Services may approve any change (interruption, extension, etc.) that affects time or cost. (See Attachment 6.51-C.)

Policy author: John Stanislav, (360) 902-4550
For technical questions: State Fund Claims Training, (360) 902-4576
Self-Insurance Claims Training, (360) 902-6904

POLICY 6.52

Section: Vocational Rehabilitation Management **Effective:** 10-15-98

Title: Authorizing Vocational Retraining Expenses **Cancels:** Interim Policy 6.51 dated 12-1-96

See Also: RCW 51.32.095 (vocational rehabilitation services)
Policy 6.51 (authorizing vocational retraining)
Policy 6.53 (room and board)

Approved by: 
Ron Gray for the Insurance Services Policy Council

This policy applies to authorized vocational rehabilitation retraining plans under a State Fund claim or a claim against a bankrupt self-insured employer.

1. Department may pay retraining costs, not to exceed \$3,000 in any 52-week period.

The department's responsibility for retraining costs **cannot** exceed \$3,000 in any 52-week period (see RCW 51.32.095). (*Time-loss compensation is not included in the \$3,000.*) The adjudicator allocates these costs in the priority order given below. The adjudicator verifies that the vocational counselor has itemized the retraining costs in the cost section of the rationale for the retraining plan.

Retraining costs may include the cost of:

- Tuition and fees (includes on-the job training fees)
- Books
- Supplies
- Tools
- Equipment
- Child or dependent care
- Transportation
- Other necessary expenses. (This **does not** include room and board. See Policy 6.53.)

The department **does not** reimburse the worker for retraining costs until the services have been provided. The worker must submit receipts with the request for reimbursement.

Exception:

- la. The department- may pay tuition and fees directly to the training facility prior to the worker receiving the services.

2. Department may reimburse transportation expenses.

If the worker must travel more than 10 miles (one-way by the most direct route) to the training site, the vocational services counselor shall negotiate with department staff to pay transportation costs **up to** the Washington State employee mileage reimbursement rate, provided the other priorities have been allocated (see Section 1, above) and the transportation cost is within the \$3,000 limit. In lieu of the worker using their own transportation, the department may reimburse the cost of a bus pass, regardless of the mileage.

3. Adjudicator equally apportions retraining costs between applicable claims.

If there are two or more open claims for one worker, the adjudicator equally apportions retraining costs equally between **EACH open claim** that meets the following criteria:

- The department is paying time-loss compensation under the claim.
- The accepted conditions under the claim prevent the worker from returning to work without retraining.

Regardless of the number of claims involved, the total dollar amount cannot exceed \$3,000 for all claims combined, for a given 52-week period. (See Attachment 6.52-A for an example.)

If an injured worker has two or more claims that meet the above criteria, the adjudicator must make a referral to the vocational provider under each claim.

4. Department must allocate time and money appropriately between the first and second 52 weeks.

The department cannot use funds allocated to one 52-week period to pay for retraining expenses in a different 52-week period.

The first 52 weeks of training time must be used before the department can use the **money** designated for the second 52 weeks of training.

5. AD for Insurance Services must approve costs beyond the first 52 weeks.

If retraining is extended beyond the initial 52-week period (see Policy 6.51), the assistant director for Insurance Services (AD) must approve additional retraining costs up to \$3,000.

6. Department does not pay retraining costs during approved retraining interruptions.

The department does not pay retraining costs during an approved retraining interruption. (See Policy 6.51 regarding approved interruptions. See Policy 6.53 for when to pay room and board.)

Policy author: John Stanislav, (360) 902-4550
For technical questions: State Fund Claims Training, (360) 902-4576
Self-Insurance Claims Training, (360) 902-6904

POLICY 6.53

Section: **Vocational Rehabilitation Management** **Effective:** **10-15-98**

Title: **Authorizing Room and Board for Vocational Retraining** **Cancels:** **Interim Policy 6.51 dated 12-1-96**

See Also: **RCW 51.32.095 (vocational rehabilitation services)**
 WAC 296-18 (rehabilitation)
 Policy 6.51 (authorizing vocational retraining)
 Policy 6.52 (vocational retraining expenses)

Approved by:  _____
 Ron Gray for the Insurance Services Policy Council

This policy applies to authorized vocational rehabilitation retraining plans under a State Fund claim or a claim against a bankrupt self-insured employer.

1. Department pays room and board if the worker is not permanently relocating.

The department will pay reasonable cost of room and board if a worker must temporarily reside more than a reasonable commuting distance away from his or her customary residence to attend vocational retraining.

The department defines “customary residence” as the worker’s usual dwelling place. To determine “customary residence,” the adjudicator may determine the worker’s address using the following sources:

- The worker’s voter registration card
- The worker’s driver’s license
- Bank statements naming the worker as an account holder
- Utility or telephone bills naming the worker as an account holder
- A bill of sale signed by the worker

To determine if a worker must temporarily reside away from his or her customary residence, consider:

- Whether the job market is available, but retraining is not available, in the local labor market.
- The time of day (early morning, late evening) the classes are scheduled.
- Whether the worker is physically able to handle a reasonable commute.
- Whether the worker is retaining his or her customary residence.

If the worker rents out his or her home while in retraining, the department may pay the difference between the rental income and the amount of room and board that the worker is entitled to according to Section 2, below. The adjudicator may require proof that the worker is retaining his or her home (i.e., rental or mortgage receipts, utility receipts, or canceled checks).

The adjudicator must document his or her decision in the file.

2. Department pays based on the state lodging and per diem rate.

The department determines reasonable room and board for the worker based on the current state lodging and per diem rate for the county in which the training site is located. For out of state retraining, the department pays room and board based on the out of state lodging and per diem rate.

The “room” amount covers housing rent and furniture rental. The “board” amount covers food and basic housing utilities, but **not** telephone or cable TV. The worker must submit receipts in order to be reimbursed. The adjudicator should consider reimbursing the cost of food only if relocating the worker results in the worker residing in a different location than the worker’s immediate family.

For retraining of up to 45 calendar days, the department may pay actual expenses up to the full per diem rate. For retraining of more than 45 calendar days, the department may pay actual expenses based on a monthly amount of up to one-third the full per diem rate. (See Attachment 6.53-A, Calculating Room and Board.)

3. Manager must approve exceptions to maximum rate.

The department will not allow payment in excess of the reimbursable rate without prior approval of the operations manager for State Fund claims, or the program manager for Self-Insurance for claims against bankrupt self-insured employers. (See Attachment 6.53-B.) The operations manager or program manager considers approving an exception when:

- It is more cost effective for a worker to stay in a motel rather than rent a home or apartment.
- Suitable accommodations are not reasonably available within the per diem rate.

4. In some cases, the adjudicator may authorize payment of certain fees.

The adjudicator may authorize payment of a cleaning fee and utility start-up fees if needed to ensure that a worker obtains the temporary housing needed to participate in a retraining plan. The vocational counselor makes a recommendation to the adjudicator based on the worker's financial situation.

The worker or housing provider must return to the department, or account for, all refundable cleaning fees and utility start-up-fees when the worker no longer needs the temporary housing. The vocational plan (signed by the worker) will include a statement to this effect, and the vocational rehabilitation counselor will account for these fees in the closing report.

5. Department may pay relocating costs in lieu of room and board once per claim.

The department may pay actual relocation costs in lieu of room and board once per claim, if **all** of the following apply:

- The retraining plan **does not** include a request for room and board, **and**
- Training is **not** locally available, **and**
- The worker is **permanently** relocating, **and**
- The retraining site and labor market are within a reasonable commuting distance from the worker's new residence, **and**
- The worker is willing to relocate **within** his or her current state of residence (or back to Washington State if currently residing out of state) to an area where both retraining and a job market are reasonably available.

The department may pay actual relocation costs **up to \$2,000**, to the worker if the worker provides a receipt, or to a vendor with a provider number. For State Fund claims, the operations manager must approve any exception to this dollar limit. (See Attachment 6.53-B.) For claims against bankrupt self-insured employers, the program manager for Self-Insurance must approve any exception to this dollar limit.

The department will pay only for the items covered in the Office of Financial Management Policies 4.2.4.2.2 and 4.2.4.2.3. (See Attachment 6.53-C.) **(NOTE: These policies address State employee relocation, but we are using them as a guideline for paying relocation costs for injured workers.)**

Relocation costs do not include cleaning fees, utility start-up fees or first and last month's rent. The department will not move a worker from Washington to another state for retraining.

6. Room and board not part of \$3,000 retraining cost.

Room and board expenses are not retraining costs and therefore are not deducted from the \$3,000 retraining costs provided under RCW 51.32.095.

7. Adjudicator may pay rent up to 29 days prior to the start of a training program.

If needed to obtain housing, the adjudicator may authorize housing rent to begin up to 29 days prior to the actual start date of the training program.

Policy author: John Stanislav, (360) 902-4550
For technical questions: State Fund Claims Training, (360) 902-4576
Self-Insurance Claims Training, (360) 902-6904



Department of Labor and Industries

1st 52 WEEK PERIOD

RETURN TO WORK PLAN TIME ENCUMBRANCE

☐

Original

☐

Modification

Vocational counselor or intern		VRC or intern ID #	Date of this request		Claim number
Vocational counseling firm's name		Phone number	Injured worker's name		
Address		Provider # & branch	Social Security Number		Date of injury
City/State		ZIP	Home address		Phone number
			City/State		ZIP

Type of Request:	Plan Dates Requested
<input type="checkbox"/> ORIGINAL	<input type="checkbox"/> Effective start date, 1st 52 weeks
<input type="checkbox"/> MODIFICATION	<input type="checkbox"/> Change start date to
<input type="checkbox"/> Change in costs	<input type="checkbox"/> Interrupt plan on
<input type="checkbox"/> Change in time frames	<input type="checkbox"/> Restart plan on
<input type="checkbox"/> Change in goal	<input type="checkbox"/> Continue time loss to
<input type="checkbox"/> Change in training site	<input type="checkbox"/> LEP to start on
<input type="checkbox"/> Other (specify)	<input type="checkbox"/> LEP to end on
	<input type="checkbox"/> End date, 1st 52 weeks
<input type="checkbox"/> Revision of disapproved plan	<input type="checkbox"/> Early plan termination

Goal		DOT		Census	
Method		Training site		Contact person	
Date signed		VRC or intern ID#		Phone	
				Signature, VRC or intern	
				X	

L&I USE ONLY

For Dept Use Only

Claims Manager	Date signed	Phone No.	Signature
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved			



Department of Labor and Industries

2nd 52 WEEK PERIOD

RETURN TO WORK PLAN TIME ENCUMBRANCE

☐

Original

☐

Modification

Vocational counselor or intern		VRC or intern ID #	Injured worker's name	
Vocational counseling firm's name		Phone number	Social Security Number	Date of injury
Address		Provider # & branch	Home address	Phone number
City/State		ZIP	City/State	ZIP

Type of Request:	Plan Dates Requested
<input type="checkbox"/> ORIGINAL	<input type="checkbox"/> Effective start date, 2nd 52 weeks _____
<input type="checkbox"/> MODIFICATION	<input type="checkbox"/> Change start date to _____
<input type="checkbox"/> Change in costs	<input type="checkbox"/> Interrupt plan on _____
<input type="checkbox"/> Change in time frames	<input type="checkbox"/> Restart plan on _____
<input type="checkbox"/> Change in goal	<input type="checkbox"/> Continue time loss to _____
<input type="checkbox"/> Change in training site	<input type="checkbox"/> LEP to start on _____
<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> LEP to end on _____
<input type="checkbox"/> Revision of disapproved plan	<input type="checkbox"/> End date, 2nd 52 weeks _____
	<input type="checkbox"/> Early plan termination _____

Goal	DOT	Census
Method	Training site	Contact person
Date signed	VRC or intern ID#	Signature, VRC or intern

L&I USE ONLY

For Dept Use Only

Claims Manager <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended	Date	Phone No.	Signature
Supervisor of Industrial Insurance <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date	Phone No.	Signature



1st 52 WEEK PERIOD
TRAINING PLAN COST ENCUMBRANCE

**** Counselor is responsible for sending
a copy of this form to each vendor ****

 Original

Modification

Claimant:		Social Security Number		Date	Claim Number	
Billing Category and Code	Vendor Name Provider No.	Vendor Name Provider No.	Vendor Name Provider No.	Vendor Name Provider No.	Previous 1st 52 Week Plan Expenditures	Total L&I Funds
Travel - R0330						
Tuition - R0310						
Books - R0340						
Equip - R0315						
Supplies - R0312						
Child Care - R0390						
Other - R0350						
Vendor Funds * Allocated						
Dates of Service	From: To:	From: To:	From: To:	From: To:		
Total L&I Training Funds Allocated 1st 52 Weeks:						

* **Vendor Funds Allocated:** This is the total amount of funding available to the vendor within the stated dates of service. This total may change when additional funds are allocated or if they are recalled (due to a need to use the funding to meet other training needs). Before funds are recalled, the vocational counselor must contact the affected vendor to determine whether there are any outstanding bills. Funds cannot be recalled if they have been spent or if the vendor has an outstanding bill that will be paid. ** **Vendor signature:** Some vendors require their signature to confirm there are no outstanding bills. Please obtain if required by the vendor.

Recall of Funds & Vendor Verification

Dollar Amount Recalled: \$, from Billing Category:		, and Code:	
Vendor Representative:		Position:		Date Contacted:	
Vendor Name:				Provider No.	
Vendor Phone No.		Vendor FAX No.		** Vendor Signature	
Reason for recall:					

Vocational Counselor:	Date	Signature	
Company	Phone No.	FAX No.	

For Dept Use Only

Claims Manager <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date	Phone No.	Signature
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2nd 52 WEEK PERIOD
TRAINING PLAN COST ENCUMBRANCE

**** Counselor is responsible for sending
a copy of this form to each vendor ****



Original



Modification

Claimant:		Social Security Number		Date	Claim Number	
Billing Category and Code	Vendor Name	Vendor Name	Vendor Name	Vendor Name	Previous 2nd 52 Week Plan Expenditures	Total L&I Funds
	Provider No.	Provider No.	Provider No.	Provider No.		
Travel - R0330						
Tuition - R0310						
Books - R0340						
Equip - R0315						
Supplies - R0312						
Child Care - R0390						
Other - R0350						
Vendor Funds * Allocated						
Dates of Service	From: To:	From: To:	From: To:	From: To:		
»»»»»»»»»»»»»»»» Total L&I Training Funds Expended 1st 52 Weeks:						
»»»»»»»»»»»»»»»» Total L&I Training Funds Allocated 2nd 52 Weeks:						

* **Vendor Funds Allocated:** This is the total amount of funding available to the vendor within the stated dates of service. This total may change when additional funds are allocated or if they are recalled (due to a need to use the funding to meet other training needs). Before funds are recalled, the vocational counselor must contact the affected vendor to determine whether there are any outstanding bills. Funds cannot be recalled if they have been spent or if the vendor has an outstanding bill that will be paid. ** **Vendor signature:** Some vendors require their signature to confirm there are no outstanding bills. Please obtain if required by the vendor.

Recall of Funds & Vendor Verification

Dollar Amount Recalled: \$, from Billing Category:		, and Code:	
Vendor Representative:			Position:		Date Contacted:
Vendor Name:					Provider No.
Vendor Phone No.		Vendor FAX No.		** Vendor Signature	
Reason for recall:					

Vocational Counselor:	Date	Signature	
Company	Phone No.	FAX No.	

For Dept Use Only

Claims Manager <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended	Date	Phone No.	Signature
Supervisor of Industrial Insurance <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date	Phone No.	Signature



1st 52 WEEK PERIOD BOARD & ROOM COST ENCUMBRANCE

**** Counselor is responsible for sending
a copy of this form to each vendor ****



Original



Modification

Claimant:		Social Security Number		Date		Claim Number	
Billing Category and Code	Vendor Name	Vendor Name	Vendor Name	Vendor Name	Previous Plan Expenditures	Total L&I Funds	
	Provider No.	Provider No.	Provider No.	Provider No.			
Board - R0360 (Food & Utilities)							
Rent - R0370 (Room & Furniture)							
Relocation - 0375R (1 time/life of claim)							
Vendor Funds Allocated							
Dates of Service	From: To:	From: To:	From: To:	From: To:			
»»»»»»»»»»»» Total L&I Board & Lodging Funds Allocated 1st 52 Weeks:							

NOTICE:

- 1) Please attach a copy of this form to the Statement for Retraining and Job Modification Services form when submitting bill(s).
- 2) When billing includes refundable cleaning fees and/or start-up fees, the vendor(s) is/are reminded that any/all of the refund is to be returned to the Department of Labor and Industries.

Please include a copy of this form with your refund.

Refund Mailing address only: ATTN: Cashiers Office
 Department of Labor and Industries
 PO Box 44835
 Olympia WA 98504-4835

Vocational Counselor:		Date	Signature	
Company			Phone No.	FAX No.

For Dept Use Only

Claims Manager	Date	Phone No.	Signature
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved			

